1658. John Aubrey.

BIBLIOTHECA BODLEIANA

BRIEF DIRECTIONS

Shewing how a fit and perfect MODEL OF Popular Government may be made, found, or understood.

THere is nothing more apparent, than that this Nation is greatly disquieted and perplexed through a complication of two Causes: The one, that the present state thereof is not capable of any other Form, than that onely of a Popular Government; The other, that they are too few who understand what is the Form or Model naturally necessary unto a Popular Government, or what is required in that Form or Prudence, for the sitting of it unto the use of this Nation. For these Infirmities, I shall offer some Remedy by a brief Discourse or Direction, consisting of two Parts. The first shewing those Forms or Models of Popular Government, or of Common-wealths, which have been hitherto extant, whether fit or unfit for the present State of this Nation. The second, shewing a Model or Form of Popular Government fitted unto the present state of this Nation. In the first part I shall propose seven Models roughly and generally: In the second, one, but more particularly and exactly.

THE FIRST PART.

IN every Frame of Government, either the Form must be fitted unto the Propriety as it ſtandeth, and this onely is practicable in this Nation; or the Propriety must be altered and fitted unto the Frame, which without force hath been ſometimes, but very ſeldom, practicable in any other Nation. Nevertheleſs, for the better knowledge of the One way, it will be beſt to propoſe in both wayes.

THE FIRST MODEL OF POPULAR GOVERNMENT, *PROPOSED.*

THat the Nobility, the Gentry, and the People, be perſwaded to give up their whole Lands unto the Common-wealth.

That if the whole People ſhall ſo give up their Lands, they be divided into twelve equal Precincts, called Tribes.

That the man of greateſt quality in every Tribe have about ten thouſand pounds a year given unto him and his heirs, with the hereditary Dignity of Prince of his Tribe.

That ſome ten other men of the next quality under the Prince in every Tribe, have about two thouſand pounds a year in the ſame given unto each of them and their heirs, with the heredi-

hereditary Dignity of Patriarchs, or Chief of the Fathers.

That the remaining part of the Lands, except forty eight Cities and their Suburbs, be distributed unto the whole People equally by Lots.

That it be not lawful for any Prince, Patriarch, or other, to sell or alienate his Land, or any part thereof, in such manner, but that upon every fiftieth year, being for this cause a year of *Jubile*, all Lands within that compass sold or alienated return unto the ancient possessors or lawful heirs.

That there be one other Tribe added unto the twelve; that this Tribe so added, be not local, nor suffered to have any Lands at all, except the forty eight Cities above reserved, with their Suburbs (that is) with a quantity of Land to each of them, being in depth two thousand cubits round. That these be setled upon them and their heirs for ever, besides the annual Tithe of the whole Territory, and a piece of Money every year upon every Head under the notion of an Offering, in regard that other Offerings are now unlawful; and that this Tribe consist of Clergy, having one hereditary Archbishop, or High-Priest, for the Head and Prince of their Tribe.

That there be no other Law than that of the Word of God onely; and that the Clergy being best skilled in this Law, be eligible into all Courts of Justice, all Magistracies and Offices whatsoever.

That the Prince of a Tribe, together with one or more Courts, consisting of twenty three Judges elected by the People of that Tribe for life, be the Government of the same.

That the People of the twelve local Divisions, take by the Ballot wise men and understanding among their Tribes, and of these constitute a *Senate* for the whole Common-wealth, consisting of seventy Elders for life.

That every local Tribe monethly elect two thousand of their own number, and that these Elections amounting in all unto four and twenty thousand, assemble at the Metropolis or Capital City, and be the monethly Representative of the People.

That the Senate be a ſtanding Judicatory of Appeal from all other Courts, with power to ſhew the Sentence of the Laws of God.

That beſides the Law of God, whatever ſhall be propoſed by the ſeventy Elders, and reſolved by the monethly Repreſentative of the People, be the Law of the Land.

A SECOND MODEL OF *A COMMON-WEALTH*, PROPOSED.

That there be a King without guards.

That the Word or Command of this King be the Law.

That this King ſtirring out of his Palace, it may be lawful for any man to ſlay him.

In this Model there wanteth but Security, that while the People are diſperſed, the King can gather no Army; to demonſtrate, That either the People muſt be free, or the King a Priſoner.

A THIRD MODEL OF *A COMMON-WEALTH*, PROPOSED.

That the Nobility, the Gentry, and the People, having upon perſwaſion given up their Lands to the Publick, the whole Territory be divided into One hundred thouſand equal Lots, and two more, being each of Ten thouſand Acres.

That the inferiour Lots be diſtributed unto the People.

That every man poſſeſſing a Lot, be a Citizen.

That the reſt, except onely the children of Citizens, be Servants

Servants unto, and Tillers of the ground for the Citizens.

That there be no profeſſed Students.

That no Citizen exerciſe any Trade, but that of Arms onely; and that the uſe of Money, except it be made of Iron, be wholly baniſhed.

That there be two Kings Hereditary: That each of them poſſeſs one of thoſe Lots of ten thouſand Acres.

That they be Preſidents of the *Senate*, with ſingle Votes; and that in War they have the leading of the Armies.

That there be a Senate conſiſting, beſides the Kings, of twenty eight Senators, elected for life by the People.

That whatever be propoſed by this Senate unto the whole People, or any ten thouſand of them, and ſhall be Reſolved by the ſame, be the Law.

That there be a Court conſiſting of five annual Magiſtrates, elected by the People; and that this Court have power to bring a King, a Senator, or other, that ſhall openly or ſecretly violate the Laws, or invade the Government, unto Juſtice.

A FOURTH MODEL OF *A COMMON-WEALTH,* PROPOSED.

THat there be a Repreſentative of the People, conſiſting of five thouſand.

That theſe annually Elect by Lot a *Senate*, conſiſting of four hundred, and a Signiory by ſuffrage conſiſting of Nine annual Princes.

That each fourth part of the Senate, for one fourth part of their annual term, be a Council of State.

That the Council of State may aſſemble the Senate, and propoſe to the ſame: That the Senate may aſſemble the People, and propoſe unto them. And that what is propoſed by the

the Senate, and resolved by the People, be the Law.

That the Executive Power of the Laws made, be more especially committed and distributed in various Functions, and divers Administrations, unto the nine Princes.

A FIFTH MODEL OF *A COMMON-WEALTH*, PROPOSED.

THat the whole Nation be divided into three distinct Orders; the one *Senatorian*, or Nobility; the other *Equestrian*, or Gentry; and the third *Plebeian*, or Popular.

That the *Equestrian* Order be the Cavalry of the Common-wealth, and the *Plebeian* the Foot.

That there be a Senate consisting of the *Senatorian* Order, and of three hundred Senators for life.

That there be two Magistrates elected by the People, for five years term, called *Censors*.

That the *Censors* have power upon cause shewn to remove a Senator out of the Senate; and to elect a Noble man, or sometimes a Plebeian, thereby made Noble, into the Senate.

That there be two annual Magistrates elected by the People, and called *Consuls*.

That the *Consuls* be *Presidents* of the *Senate*, and have the leading of the Armies.

That the Senate (as they shall see occasion) may nominate one person to be *Dictator* for some short term.

That the *Dictator* for his term have Soveraign Power.

That there be a Division of the whole People, of what Orders soever, into six Classes, according unto the valuation of their Estates. For Example: That the first Classis consist of all such as have two thousand pounds a year, or upwards; the second, of all such as have One thousand pounds a year,

or

or upwards, under two; the third, of all ſuch as have Six hundred pounds a year, or upwards, under one thouſand; the fourth, of all ſuch as have Three hundred pounds a year, or upwards, under ſix hundred; the fifth, of all ſuch as have under the former proportion; the ſixth, of all ſuch as pay no Taxes, or have no Land; and that theſe be not uſed in Arms.

That the Senate propoſe all Laws to be Enacted, unto an Aſſembly of the People.

That all Magiſtrates be elected by the ſame.

That this Aſſembly of the People conſiſt of the five Claſſes, in ſuch manner, that if the Votes of the firſt and ſecond Claſſis be near equal, the third Claſſis be called, and if theſe agree not, the fourth be called; and ſo for the reſt.

That what is thus propoſed by the Senate, and reſolved by the People, be the Law.

In this Frame the Senate, by the Optimacy of the firſt and ſecond Claſſes, (which ſeldom or never diſagree) carrieth all, to the excluſion of the main Body of the People: whence ariſeth continual feud or enmity between the Senate and the People; who conſulting apart, introduce Popular Debate, ſet up ſome other way of Aſſembly, as by Tribes, or by Pariſhes, with more Equality of Votes, Elect Magiſtrates of their own, Make Decrees binding the Senate or Nobility, Endevour to curb their Power by weakning their Ballance, or diminiſhing of their Eſtates: All theſe tumultuouſly, and to the Alteration of the Government, with ſo frequent Changes under ſo divers ſhapes, as make a very Proteus *of the Common-wealth, till having been all her life-time afflicted with Anarchy, ſhe end her dayes in Tyranny.*

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THE SIXTH MODEL OF *A COMMON-WEALTH,* PROPOSED.

THat the Soveraign Power be eſtated upon Four thouſand ſelect men, to them and their Heirs for ever.

That there be a great Council conſiſting of theſe Four thouſand; and that their Sons at five and twenty years of age have right unto the ſame.

That the great Council elect one Duke for life; That the Duke have a Royal Palace aſſigned, with a guard, at the States charge, and a Revenue of Fifteen hundred pounds a year; and that he bear the Soveraign Dignity of the Common-wealth.

That this Duke have ſix Counſellors annually choſen by the great Council. That he have no power to Sign any Writing, though in his own Name, nor to do any of his Political Functions without his Counſellors. That his Counſellors have power to Sign any Writing in the Dukes Name, or to do any of his Political Functions without him; and that the Duke with theſe ſix Counſellors be the Signiory of the Common-wealth.

That the Signiory of this Common-wealth have ſeſſion and ſuffrage in all the Councils of the ſame, with right alſo to propoſe unto each or any of them, either joyntly or ſeverally.

That one hundred and twenty elected annually by the great Council, together with other Councils and Magiſtrates, to whom of courſe the like Honour is appertaining, be the Senate.

That ſixteen other Magiſtrates propoſed by the Senate, and confirmed by the great Council for the term of ſix moneths, be a Council apart, with three weekly Provoſts or Propoſers, called the Colledge.

That

That the Signiory may aſſemble the College, and propoſe to them; that the College may aſſemble the Senate, and propoſe to them; and that the Senate may aſſemble the great Council, and propoſe to them. And that whatever is reſolved by the Senate, and not contradicted, nor queſtioned by the great Council, be the Law.

That there be a Council of ten Elected annually by the great Council; and that this Council of ten, with the Signiory, and ſome of the College, having right of Seſſion and Suffrage in the ſame, may upon occaſion exerciſe *Dictatorian* Power in this Common-wealth.

That the reſt of the People under the Empire of this Common-wealth, be diſarmed, and governed by Lieutenants of Provinces. That the Common-wealth have a ſtanding Army of ſtrangers or others, in Diſcipline and Pay. *And that the City wherein ſhe ſhall reſide, be founded in the Sea, after ſuch a manner, that it can no more be approached by a Fleet, than by an Army without a Fleet. Otherwiſe, this Common-wealth is expoſed both to the Provinces, and to a mercenary Army.*

A SEVENETH MODEL OF *A COMMON-WEALTH,* PROPOSED.

THat the People in every City, and in every Province or County within theſe three Nations, Elect unto every City, Province, or County of the ſame, a matter of twenty, thirty, or forty Magiſtrates for life. That theſe Magiſtrates being ſo elected, be the Senate of that reſpective City, Province or County.

That the Senates, thus Elected, thence-forth have and enjoy the Soveraign Power within their reſpective Juriſdiction, for ever. That every Senate annually Elect two or four Burgo-

maſters or Conſuls, to be Preſidents of the ſame. That they alſo Elect ſeven Magiſtrates, or preſent fourteen perſons unto the Governour of the Province, and that he Elect ſeven. That the ſeven ſo Elected be Judges, or have the Executive power of the Laws for their term, and within their reſpective Juriſdiction.

That in caſe of Affairs of more publick and general concernment, as War or Peace, Levy of Men or Money, and the like, the Governour of the Province give information of the things to be conſidered, unto the Nobility & to the Senates of that Province; therewithall appointing a time and place for the Aſſembly of the States Provincial. That each of the Senates, having debated the matter propoſed, delegate one Conſul, with ſome other Senators well informed and inſtructed with their Will and Pleaſure, unto the Aſſembly of the States Provincial. That the Nobility of the ſame Province delegate ſome of their Order likewiſe, to the Provincial States. That the Delegates both of the Nobility and of the Senates, give the Vote of their Principals according unto inſtruction; and that neither the Nobility, nor any Senate or Soveraignty be otherwiſe bound, than by their own Vote.

That the Provincial Eſtates Elect one Magiſtrate for life, or during pleaſure, to be Provincial Governour: That they Elect one or more other Magiſtrates for life, or during pleaſure, to be States General.

That the States General being Elected, and well inſtructed by their Provinces, have the direction of the whole League: That each give not his own Vote, but the Vote of his Province; and that no Province be othewiſe bound, than by her own Vote.

IF *theſe Models* (*in which I clame to be the firſt that hath laid the whole, and the higheſt Myſteries of the ancient Common-wealths, unto the loweſt capacity of Vulgar Debate*) *be not all in the mouthes of great men, and in Pamphlets, for* Chymera's *or* Utopia's, *it is great chance: Yet contain they no leſs than the whole Revolution of Popular Prudence. Nor*

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is it more certain, That no one of them would fit the present ſtate of this Nation, than that he or they, whoſe Contemplation and Underſtanding is not well verſed in the moſt, or in the beſt of theſe, ſhall never fit a Model of Popular Government unto the preſent ſtate of this Nation, or of any other. In which aſſurance, I come to fulfil my promiſe in the Second Part, *or to propoſe ſuch a Model as is fitted unto the preſent ſtate of this Nation.*

THE SECOND PART,

Propoſing a MODEL of

A COMMON-WEALTH

Fitted unto the Preſent State of this Nation.

But ſo it is ever, That the Humours or Intereſts of predominant Parties, hold themſelves to be National; and that which fitteth them, can never fit a Nation; nor that which fitteth a Nation, ever fit them. This in the introduction of Government, is always the main Difficulty. But where parties are no better founded, or fitted for Diſturbation, than now in England, *they are rather to be ſlighted than conſidered, as theſe, the ſtouteſt whereof have but given this Example unto the reſt, That they who in this ſtate of Affairs ſhall obſtruct an equal and well-ordered Government, ſhall but ruine themſelves. For which cauſe it is propoſed:*

I.

THat all Citizens, (that is) Freemen, or ſuch as are not Servants, be diſtributed into Horſe and Foot. That ſuch of them as have one hundred pounds a yeer in Lands, Goods, or Money, or above this proportion, be of the Horſe, and all ſuch as have under this proportion be of the Foot.

2. That all Elders, or Free-men, being thirty years of age or upwards, be capable of civil adminiſtration, and that the Youth, or ſuch Free-men as are between Eighteen years of age, and Thirty, be not capable of civil adminiſtration, but of military only, in ſuch manner as ſhall follow in the military part of this Model.

3. That the whole Native, or proper Territory of the Common Wealth be caſt with as much exactneſs as can be convenient, into known and fixed Præcincts, or Pariſhes.

4. That the Elders reſident in each Pariſh annually aſſemble in the ſame, for example upon Monday next enſuing the laſt of *December*: That they then & there elect out of their own number every fifth Man, or one Man of every five, to be for the term of the year enſuing a Deputy of that Pariſh, and that the firſt and ſecond ſo elected be Overſeers, or Preſidents for the regulating of all parochial congregations, whether of the Elders, or of the Youth, during the term for which they were elected.

5. That ſo many Pariſhes lying neereſt together, whoſe Deputies ſhall amount to one hundred or thereabouts, be caſt into one Precinct called the Hundred, and that in each Precinct called the Hundred, there be a Town, Village, or place appointed to be the Capital of the ſame.

6. That the parochial Deputies elected throughout the Hundred aſſemble annually, for example upon Monday next enſuing the laſt of *January*, at the Capital of their Hundred. That they then and there elect out of the Horſe of their number

ber one Juſtice of the peace, one Jury Man, one Captain, one Enſigne, and out of the Foot of their number one other Jury Man, one high Conſtable, &c.

7. That every twenty Hundreds lying neereſt, and moſt conveniently together, be caſt into one Tribe, that the whole Territory being after this manner caſt into Tribes, ſome Town or place be appointed unto every Tribe for the Capital of the ſame. And that theſe three Precincts, (that is the Pariſh, the Hundred, and the Tribe, whether the Deputies thenceforth annually choſen in the Pariſhes, or Hundreds, come to increaſe, or diminiſh, remain firm, and inalterable for ever, ſave only by Act of Parliament. *The Tribes are preſumd throughout theſe propoſitions to amount unto fifty.*

8. That the Deputies elected in the ſeveral Pariſhes, together with their Magiſtrates and other officers both civil and Military elected in the ſeveral Hundreds, aſſemble or muſter annually, for example upon Monday next enſuing the laſt of *February*, at the Capital of their Tribe, for the ſpace of two days.

9. That this whole body thus aſſembled, upon the firſt day of their aſſembly elect out of the Horſe of their number, one High Sheriff, one Lieutenant of the Tribe, one Cuſtos Rotulorum, one Conductor, and two Cenſors. That the High Sheriff be Commander in chief, the Lieutenant commander in the ſecond place, and the Conductor in the third place, of this Band or Squadron: That the Cuſtos Rotulorum be Muſter-Maſter, and keep the rolls; That the Cenſors be Governours of the ballot, and that the term of theſe Magiſtracies be annual.

10. That the Magiſtrates of the Tribe (that is to ſay) the High Sheriff, Lieutenant, Cuſtos Rotulorum, the Cenſors, and the Conductor, together with the Magiſtrates and Officers of the Hundreds, (that is to ſay) the twenty Juſtices of the Peace, the forty Jury men, the twenty High Conſtables, be one Troop, or one Troop and one Company a part, called the Prerogative Troop or Company. That this Troop bring in and aſſiſt the Juſtices of Aſſize, hold the Quarter Seſſions in their ſeveral Capacities, and perform their other functions as formerly.

11. That

11. That the Magistrates of the Tribe (that is to say) the High Sheriff, Lieutenant, Custos Rotulorum, the Censors and the Conductor, together with the twenty Justices elected at the Hundreds, be a Court for the Government of the Tribe called the *Phylarch*, and that this Court proceed in all matter of Government as shall from time to time be directed by Act of Parliament.

12. That the Squadron of the Tribe upon the second day of their assembly, elect two Knights, and three Burgesses out of the Horse of their number, and four other Burgesses out of the Foot of their number, that each Knight upon election forthwith make Oath of allegiance unto the Common-Wealth, or refusing such Oath, the next competitor in election to the same Magistracy, making the said Oath, be the Magistrate. The like for the Burgesses. That the Knights thus sworn, have Session in the Senate, for the term of three years, and that the Burgesses thus sworn, be of the Prerogative Tribe or representative of the People for the like term.

13. That for the full and perfect institution of the Assemblies mentioned, the Squadron of the Tribe in the first yeer of the Common-wealth, elect two Knights for the term of one year, two other Knights for the term of two years, and lastly two Knights more for the term of three years, the like for the Burgesses of the Horse first, and then for those of the Foot. And that this proposition be of no farther use than for the first years election only.

14. That a Magistrate or officer elected at the Hundred be thereby barred from being elected a Magistrate of the Tribe, or of the first days election, but that no former election whatsoever, bar a man of the second days election at the Tribe, or to be chosen a Knight or Burgess. That a man being chosen a Knight or Burgess, who before was chosen a Magistrate or Officer of the Hundred, or Tribe, may delegate his former Office or Magistracy in the Hundred, or in the Tribe, to any other Deputy, being no Magistrate, nor Officer, and being of the same Hundred, and of the same Order, that is of the Horse or Foot respectively.

15. That the Knights of the annual election, take their places

places upon Monday next ensuing the last of *March* in the Senate, that the like number of Knights whose session determineth at the same time recede. That every Knight or Senator be paid out of the Publick Revenue quarterly, one hundred twenty five pounds during his term of Session, and be obliged to sit in purple robes.

16. That annually upon reception of the new Knights; the Senate proceed to election of new Magistrates and Counsellors. That for Magistrates they elect one General, one Speaker, and two Censors, each for the term of one year, these promiscuously, and that they elect one Commissioner of the great Seal, and one Commissioner of the Treasury, each for the term of three years, and out of the new Knights only.

17. That the General and the Speaker as Consuls of the Common-Wealth, and Presidents of the Senate, be during the term of their Magistracy paid quarterly out of the publick revenue five hundred pounds, that the Ensigns of these Magistracies be a Sword borne before the General, and a Mace before the Speaker, that they be obliged to wear Ducal Robes. And that what is said of the General in this proposition be understood only of the General sitting, and not of the General marching.

18. That the General sitting, in case he be commanded to march, receive field pay, and that a new General be forthwith elected by the Senate to succeed him in the house, with all the rights, ensigns and emoluments of the General sitting, and this so often as one or more Generals are marching.

19. That the three Commissioners of the great Seal, and the three Commissioners of the Treasury, using their Ensigns and habite and performing their other functions as formerly, be paid quarterly unto each of them three hundred seaventy five pounds.

20. That the Censors govern the ballot, that they be Presidents of the Counsel for Religion, that each have a silver Wand for the ensigne of his Magistracy, that each be paid quarterly three hundred seaventy five pound, and be obliged to wear scarlot Robes.

21. That the General sitting, the Speaker, and the six Com-

Commissioners aboveſaid be the Signory of this Common-Wealth.

22. That there be a Council of State conſiſting of fifteen Knights, five out of each Order, Liſt, or election, and that the ſame be perpetuated by the annual election of five out of the new Knights or laſt elected into the Senate.

23. That there be a Council for Religion conſiſting of twelve Knights, four out of each Order, and perpetuated by the annual election of four out of the Knights laſt elected into the Senate. That there be a Council for trade conſiſting of a like number, elected and perpetuated in the ſame manner.

24. That there be a Council of War not elected by the Senate, but elected by the Council of State out of themſelves. That this Council of War conſiſt of nine Knights, three out of each Order, and be perpetuated by the annual election of three, out of the laſt Knights elected into the Council of State.

25. That in caſe the Senate add nine Knights more elected promiſcuouſly, or not promiſcuouſly, out of their own number, unto the Council of War, the ſaid Council of War be underſtood by ſuch addition, to be Dictator of the Common-Wealth for the term of three Moneths and no longer, except by farther Order of the Senate the ſaid Dictatorian power be prolonged for a like term.

26. That the Signiory have Seſſion and ſuffrage, with right alſo joyntly or ſeverally to propoſe both in the Senate, and in all Senatorian Councils.

27. That each of the three Orders or diviſions of Knights, in each Senatorian Council, elect one Provoſt for the term of one Week, and that any two Provoſts of the ſame Council ſo elected, may propoſe unto the ſame Council for their term and not otherwiſe.

18. That ſome fair Room, or Rooms well furniſhed, and attended, be allowed at the States charge, for a free and open Academy unto all comers, at ſome convenient hour, or hours towards the Evening; That this Academy be governed according unto the rules of good breeding, or civil converſation

tion by some one or more of the Provosts, and that in this Academy it be lawfull for any Man by word of Mouth or by Writing, in jest or in earnest, to propose unto the Proposers.

29. That for Ambassadors in Ordinary, there be four Residences, as *France*, *Spain*, *Venice*, and *Constantinople*; that every Resident upon election of a new Embassador in Ordinary, remove to the next Residence in the Order hereby mentioned, till having served orderly in all the said Residences, he return home; that upon Monday next ensuing the last of *November*, there be every second year elected by the Senate some fit person being above twenty five and under thirty five years of Age, and not of the Senate, nor of the Popular assembly. That the party so elected, repair on Monday next ensuing the last of *March* following, as an Embassador in Ordinary unto the Court of *France*, and there reside for the term of two years to be computed from the first of *April* next ensuing his election. That every Embassador in Ordinary, be allowed three thousand pounds a year during the term of his residences. And that if a Resident come to dy, there be an Extraordinary election into his Residence for his term, and for the remainder of his removes, and progress.

30. That all emergent elections be made by scrutiny, that is by a Council, or by Commissioners proposing, and by the Senate resolving in the manner following. That all Field Officers be proposed by the Council of War. That all Embassadors Extraordinary, be proposed by the Council of State. That all Judges and Serjeants at Law, be proposed by the Commissioners of the great Seal. That all Barons and officers of trust in the Exchequer be proposed by the Commissioners of the Treasury, and that such of these as are thus proposed unto, and approved by the Senate, be held Lawfully elected.

31. That the cognizance of all forein negotiation, and of all matter of State to be considered, or Law to be enacted, whether Provincial or National, Domestick or Forein, appertain unto the Council of State. That all such affairs of like kind as the Council of State shall judge fit to be carryed with more than ordinary secrecy, be committed by them, and

appertain unto the cognizance, and trust of the Council of War, to this end consisting of a Select Part, or Committee of the Council of State. That the Cognizance, and Protection, both of the National Religion, and of the Liberty of Conscience, equally established in this Nation, after the manner provided in the religious part of this Model, appertain unto the Council for Religion. That all matter of Traffick, and regulation of the same appertain unto the Council for Trade. That in the exercise of these several Functions, each being naturally Senatorian or Authoritative only, no Council assume any other power, than such only as shall be particularly or expressly estated upon the same by Act of Parliament.

32. That what shall be Proposed unto the Senate by any one or more of the Signiory, or of the Proposers General; or what ever was Proposed by any two of the Provosts, or particular Proposers unto their respective Council, and upon debate at that Council shall come to be Proposed by the same unto the Senate, be necessarily debatable, and debated by the Senate.

33. That in all cases wherein power is derived unto the Senate by Law made, or by Act of Parliament, the result of the Senate be ultimate: That in all Cases of Law to be made, or not already provided for by Act of Parliament, as some particular Peace, or War, levy of men or mony, or the like, the result of the Senate be not ultimate, but preparatory only, and be Proposed by the Senate unto the Prerogative Tribe, or Assembly of the people, except only in Cases of such speed or secrecy, wherein the Senate shall judge the necessary slowness, or openness of like proceeding to be of detriment, or danger unto the Common-wealth.

34. That if upon the Motions or Proposition of a Council, or Proposer General, the Senate adde nine Knights promiscuously, or not promiscuously chosen out of their own number unto the Council of War, the said Council of War, be thereby made *Dictator*, and have power of Life and Death, as also to Enact Laws in all cases of speed or secrecy for and during the term of three moneths and no longer, except upon new Order from the Senate: And that all Laws Enacted by the

Dictator, be good and valid for the term of one year, and no longer, except the same be Proposed by the Senate, and resolved by the people.

35. That the Burgesses of the Annual Election returned by the Tribes, enter into the Prerogative Tribe upon Monday next ensuing the last of *March*, and that the like number of Burgesses whose term is expired, recede at the same time. That the Burgesses thus entred, Elect unto themselves out of their own number two of the Horse, one to be Captain, and the other to be Cornet of the same, and two of the Foot, one to be Captain, the other to be Ensign of the same, each for the term of three years. That these Officers being thus Elected, the whole Tribe or Assembly proceed to the Election of four Annual Magistrates, two out of the Foot to be Tribunes of the Foot, and two out of the Horse to be Tribunes of the Horse. That the Tribunes be Commanders of this Tribe in chief so far as it is a Military body, and Presidents of the same, as it is a Civil Assembly. And lastly, that this whole Tribe be paid weekly as followeth, unto each of the Tribunes of the Horse seven pounds, unto each of the Tribunes of Foot six pounds, unto each of the Captains of Horse five pounds, unto each of the Captains of Foot four pounds, unto each of the Cornets three pounds, unto each of the Ensignes two pounds seven shillings, unto every Horseman one pound ten shillings, and to every one of the Foot one pound.

36. That inferiour Officers, as Captains, Cornets, Ensignes, be only for the Military Discipline of the Tribe. That the Tribunes have Session in the Senate without suffrage. That of Course they have Session and suffrage in the Dictatorian Councils, so often as it is created by the Senate. That in all Cases to be adjudged by the People, they be Presidents of the Court or Judicatory.

37. That Peculate or defraudation of the Publick, and all Cases or Crimes tending to the subversion of the Government, be triable by the Prerogative Tribe, or the Assembly of the People, and that unto the same there lyeth an appeal in all causes, and from all Courts, Magistrates, or Councils, National, or Provincial.

38. That the right of debate, as also of Proposing to the People, be wholly and only in the Senate, without any power at all of result not deriv'd from the people, and elated upon the Senate by act of Parliament.

39. That the power of result be wholly and only in the People, without any right at all of debate.

40. That the Senate having debated and agreed upon a Law to be Proposed, cause promulgation of the said Law to be made for the space of six weeks before Proposition, (that is) cause the Law to be written fair, and hung up for the time aforesaid, in some of the most eminent places of the City, and of the Suburbs.

41. That promulgation being made, the Signiory demand of the Tribunes sitting in the Senate, an Assembly of the People. That the Tribunes upon such demand of the Signiory, or of the Senate, be obliged to assemble the Prerogative Tribe in Arms by sound of Trumpet, with Drums beating, and Colours flying, in any Town, Field, or Market-place, being not above six miles distant, upon the day, and at the hour appointed, except the meeting through inconvenience of the weather, or the like, be prorogued by consent of the Signiory and of the Tribunes. That the Prerogative Tribe being assembled accordingly, the Senate propose to them by two or more of the Senatorian Magistrates thereunto appointed, at the first promulgation of the Law. That the Proposers for the Senate open unto the People the occasion, motives, and reasons of the Senate for the Law to be proposed, and that the same being done, they put the Law or Proposition by distinct clauses unto the Ballot of the people. That if any material clause or clauses of the Proposition, or Law so Proposed, be rejected by the People, the clause or clauses so rejected may be reviewed, altered, and Proposed again unto the third time, if the Senate think fit, but no oftner.

42. That what is thus Proposed by the Senate, and resolved by the People, be the Law of the Land, and no other, except what is already received as such, or reserved unto the Dictatorian Council.

34. That every Magistracy, office, or election through-

out

out this whole Common-Wealth, whether annual or triennial, be understood of course or consequence to injoyn an interval or vacation equal unto the term of the same. That the Magistracy or office of a Knight, and of a Burgess, be in this relation understood as one and the same, and that this order regard only such elections as are National or Domestick, and not such as are Forein, or contained in the Provincial parts of this Model.

44. That for an Exception from this rule, where there is but one Elder of the Horse in one and the same Parish, that Elder be eligible in the same without interval, and where there be above foure Elders of the Horse in one and the same Parish, there be not above half, nor under two of them eligible at the same election.

45. That throughout all the Assemblies & Councils of this Common-Wealth, the Quorum consist of one half in the time of health, and of one third part in a time of sickness, being so declared by the Senate.

The use of the Ballot, being as full of prolixity and abstrusenes in writing, as of dispatch and facility in practice, is presumed throughout all elections and results in this Model, and for the rest referr'd rather unto practice than writing. There remain the Religious, Military and *Provincial parts of this* frame. But *the civil Part being approv'd, they follow, or being not approv'd, may be spared.*

Con-

CONCLUSION

OR

The use of these PROPOSITIONS.

THese propositions are so laid out to debate or examination, that a man having the mind to weigh discourse upon, or object against this Model, may do it in the parts with the most convenience.

Any examination of, or objection against the whole, or any part in print or in writing, the Author holdeth himself bound to acknowledge, or answer: But as to meer discourse upon matters of this compass it is usually narrow: besides that in writing a Man must put himself upon better aym, than he can be obliged to take in discourse.

Any one objection lying in writing against any one Order in this part of the Model, after such manner as to shew that the part or Order so invaded ought to be expunged, altered, or amended, unless it may be expunged, altered, or amended accordingly, destroyeth the whole.

And any one or more objections so lying against any one or more of these orders or propositions, that thereby they may be expunged, altered or amended, must in the whole or in part make a better Model.

In this case therefore, or in case no Objection lye, the use of these propositions will be such, as thereby any Man or any assembly of men, considering or debating upon them in order, may find or make a true Model of a well-ordered Common-Wealth.

And

And that an Assembly can never make, or frame a Model of any Government otherwise than in some such manner, is proveable first by a Demonstration from the effect; and secondly by a Demonstration from the cause.

The demonstration from the effect is, that an Assembly no otherwise frameth a Law, or Order, than by having it first penned by some one man, and then judging upon it, and the Model of a Common-wealth must consist of many Laws or Orders.

The demonstration from the cause is, that whereas reason consisteth of two parts, the one Invention, and the other Judgement, a man may be as far beyond any Assembly for Invention, as any Assembly can be beyond a man for Judgement; or which is more, that the formation of a Model of Government requireth a strong faculty of Invention, and that an Assembly is naturally voyd of all manner of Invention.

[redacted]

FINIS.

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